

Wetlands Bureau Decision Report

Decisions Taken
03/08/2010 to 03/14/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2007-02203 MILL POND VIEW LLC, C/O LARRY COSTA
NOTTINGHAM Nottingham Lake & Little River

Requested Action:

Amend permit to extend dam wingwall an additional 20 linear feet (80 sq. ft.) along shoreline to ensure proper functioning of primary spillway and prevent entrapment of debris along shore.

Inspection Date: 04/10/2008 by Dori A Wiggin

APPROVE AMENDMENT:

Dredge and fill a total of 20,170 sq. ft. of wetlands, surface waters and banks for reconstruction of the Nottingham Lake Dam, including 8,780 sq. ft. of impact to reconstruct earthen dam in same footprint as previous structure, including dam construction and rip rap at dam toe; 6,800 sq. ft. of impact to remove debris from flow path of downstream spillway and perform associated support bank restoration; install 105 linear ft. (2,520 sq. ft.) of retaining wall in westerly downstream bank to tie dam reconstruction design into the replacement of the Mill Pond Rd. bridge wingwalls; place a total of 1,990 sq. ft. of temporary fill in 3 locations (950 sq. ft., 220 sq. ft., and 820 sq. ft.) for construction access.

With Conditions:

1. AMENDED: All work shall be in accordance with revised plans by DuBois & King dated 3/26/2008, received by DES on 5/12/2008, entitled "Mill Pond View LLC Nottingham Lake Dam, NHDES Wetlands Bureau Jurisdiction Impact Site Plan", Sheets 1-2; and per revised plans by DuBois & King dated 5/27/2008, as received by DES on 6/13/2008, entitled "Mill Pond View LLC Nottingham Lake Dam, Repairs and Reconstruction, May 2008" Sheets 1-12. Wingwall extension work shall be in accordance with revised plans by Dubois & King dated 1/15/2010, as received by DES on 1/29/2010.
2. All work shall be in accordance with the DES Dam Bureau Permit as issued on 6/13/2008.
3. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
4. All work shall be in accordance with conditions specified by NH Fish & Game Department comment letter dated 6/9/2008, including the following:
 - a. provide appropriate stabilization methodology to protect the streambanks down stream of the dam to prevent sediment from entering the Little River during construction and further undermining existing rip rap. Coordinate with the Town of Nottingham to assure that the reconstruction of the dam and the reconstruction of the adjacent bridge are coordinated such that exposed downstream banks are properly protected, and any gap between construction schedules does not result in further bank destabilization or water quality impacts;
 - b. coordinate with NHFG (contact Scott Decker 271-2491) and execute on NHFG's direction, placement of large or medium sized boulders in groups on the lake bottom prior to rewatering, as fish habitat and mitigation for impacts to American Eel habitat resulting from artificially impounded waters;
 - c. install a functional boom above the intake channel to the hydro facility to reduce debris entrainment. Coordinate with NHFG (contact Cheri Patterson 868-1095) to the satisfaction of NHFG on the use of finer grate systems, and light use, with respect to mitigating the effects of fish and eel entrainment;
 - d. stream flows should be maintained throughout the project construction and rewatering of the impoundment shall follow the commonly used guideline of storing 10% while releasing 90% of the inflow afer the dam reconstruction is completed to assure downstream riverine habitat is maintained for fish and wildlife.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Silt fencing must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

13. Temporary cofferdams and temporary access impacts shall be entirely removed immediately following construction and appropriately restored.

14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Proper headwalls shall be constructed within seven days of culvert installation.

19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

20. Work shall be done during low flow.

21. Work in wetlands jurisdiction to be conducted to reconstruct the Mill Pond Road Bridge shall be applied for by the Town of Nottingham and shall be processed as a separate permit.

With Findings:

1. Following construction, it was determined that the spillway entrance wingwall was too short to properly direct flood debris through the spillway, and that entrapment of debris on the shoreline could result in impairment of the dam function during severe flood conditions.

2. The Nottingham Conservation Commission reviewed the amendment request and recommends approval.

3. The remainder of the dam reconstruction project has been completed.

2008-01818 DURHAM, TOWN DPW DURHAM Lamprey River

Requested Action:

Amend permit to include an additional 500 sq. ft. of rip rap toe stabilization for easterly abutment.

Inspection Date: 02/17/2009 by Dori A Wiggin

APPROVE AMENDMENT:

Dredge and fill a total of 6,224 sq. ft. of river and bank impacts to construct a freespan bridge as replacement for the previous Wiswall Bridge over the Lamprey River, including: a)3,855 sq. ft. (approximately 120 linear ft.) of temporary impact including removal of the existing piling structure from the center of the river to restore full stream flow; construction of two temporary closed cell coffer dams for construction of crane access bridge; and construction of access ramp on riverbank; and b)2,368 sq. ft. (approximately 180 linear ft.) of permanent impact for construction of bridge abutments and installation of protective shoreline and abutment toe rip rap.

With Conditions:

1. AMENDED: All work shall be in accordance with plans and narrative materials by CLD Engineering Inc. dated 2/26/2009, as

received by DES on 3/2/2009, and with plans by CLD Engineering, as amended by R.S. Audley Inc. on 2/19/2010 as received by DES on 2/24/2010, relative to the 500 sq. ft. of additional rip rap for the toe of the east abutment.

2. AMENDED: No further amendments will be accepted for this permit. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require submission of a completely new application package, and further permitting by the Bureau.

3. Pursuant to the recommendations of NH Fish and Game Department, the following conditions shall be required, to protect fish, shellfish, amphibians, reptiles and wildlife species of concern:

a. Drawdown of the impoundment of the Lamprey River upstream of the Wiswall Dam for bridge construction shall occur no earlier than middle to late August, and no later than October 1.

b. The dewatering shall occur very slowly, to allow fish, shellfish, amphibians, reptiles and wildlife to adjust to the change in water levels.

c. The construction shall be phased so that work is being completed and/or staged as the water levels are receding or refilling. This shall occur so that when the impoundment has been dewatered there are very few days of work needed at the lowest river level before rewatering of the impoundment can start.

d. Stream flows above and below the dam shall be maintained throughout the project construction phases and rewatering of the impoundment shall follow the commonly used guideline of storing 10% while releasing 90% of the inflow once low-level construction is completed, to assure downstream riverine habitat is maintained for fish and wildlife.

e. AMENDED: The rewatering process shall start no later the middle of March.

f. The utmost precautions shall be taken to ensure that there is no siltation produced by the project present in the river during the period of time when rainbow smelt are present, and later spawning, specifically at the head of tide from mid-December through April.

4. The methods of in-river work chosen for equipment access and construction procedures shall represent the alternative(s) which result in the least in-river environmental impact practicable.

6. A post-construction survey of the Knotty Pondweed community shall be conducted by the applicant in coordination with the NH Natural Heritage Bureau during the first possible season appropriate to such a survey. The results of the survey shall be reported to DES within 30 days of the completion of the survey.

7. Placement of fill for the temporary construction access "causeway" shall be confined to the riverbank/ wetland margin at the edge of the river, and not extend riverward of the limit of the existing roadbed abutment.

8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed according to the restrictions specified by NHFG in conditions 3a.- 3f. above.

12. Temporary cofferdams shall be entirely removed immediately following construction, in accordance with the timing restrictions stated above.

13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

17. Faulty equipment shall be repaired prior to entering jurisdictional areas.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. In the course of construction, the additional rip rap was determined to be necessary by the project engineers to prevent future scour of the abutment toe.
2. The project has a limited window for completion which expires by the middle of March.

2009-01047 NH DEPT OF TRANSPORTATION
LACONIA Lake Winnepesaukee

Requested Action:

Dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

DENY PERMIT:

Dredge approximately 400 cubic yards of material from 2812.5 square feet of the bed of Lake Winnepesaukee.

With Findings:

Standards of Approval

1. This is a major impact project per Rule Env-Wt 303.03.02, (g) removal of more than 20 cubic yards of rock, gravel, sand, must or other material from public waters.
2. The need for the proposed impacts shall be demonstrated by the applicant prior to Department approval of any alteration of non-tidal wetlands per Rule Env-Wt 302.01.
3. The applicant must provide evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04, (a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Rule Env-Wt 302.04, (d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the Department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
6. According to RSA 482-A:2, "'Boat slip' on water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure which a watercraft may be secured.
7. Env-Wt 402.13 Frontage Over 75 feet requires that "there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use."
8. In accordance with Env-Wt 101.55 "Marina" means a commercial waterfront facility whose principal use is the provision of publicly available services such as the securing, launching, storing, fueling, servicing and repairing of watercraft.
9. In accordance with Env-Wt 501.02, (a),(2), (n), if topography is to be permanently altered, the existing and proposed topography, including a reference elevation shall be shown on the plans.

Findings of Fact

10. There is documented evidence of historically shallow water depths in files 1990-400, 1995-00314, 1999-00188, 2003-00203, and 2007-2252.
11. The wooden structure adjacent to the dredge area was to be removed as part of the approval for 2003-00203.
12. DES has conducted several inspections on this site prior to the August 8, 2008, event and has always found water depths to be shallow throughout the proposed dredge area.
13. File 2007-2252 allowed for the relocation of a boat slip from this general area due to shallow water conditions.
14. The existing docking facility has 76 permitted boat slips on 340 feet of average shoreline frontage.
15. The property only has sufficient frontage for 5 boat slips.

Rulings in Support of the Denial

16. The dredge adjacent to the existing wooden structure would create an additional 3 boat slips on this frontage. The project is denied because the addition of boat slip would fail to meet the requirements of Rule Env-Wt 402.13.

17. The applicant has failed to provide plans that include the Contours and details required per Rule Env-Wt 501.02 (a), (2), (n).
18. The applicant has not demonstrated that the sand accumulation is based on a single storm event. Rather the historical data indicates shallow water depths are normal through this area. Therefore the project is denied in accordance with Env-Wt 302.04, (d), (1) as there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
19. The project is denied in accordance with Env-Wt 302.04(e), as the applicant did not demonstrate a need for the proposed impacts.

2009-02327 STILES, ROBERT
WHITEFIELD Unnamed Stream

Requested Action:

Retain 575 square feet of dredge and fill for the construction of a subdivision access road; retain 2,175 square feet of dredge and fill for the excavation of gravel; restore 17,615 square feet, including 650 linear feet intermittent stream, of un-permitted wetland impacts.

APPROVE AFTER THE FACT:

Retain 575 square feet of dredge and fill for the construction of a subdivision access road; retain 2,175 square feet of dredge and fill for the excavation of gravel; restore 17,615 square feet, including 650 linear feet intermittent stream, of un-permitted wetland impacts.

With Conditions:

1. All work shall be in accordance with the plans by Associated Consulting Civil Engineers PLLC as follows: Construction Plan after the fact (sheet 1 of 4), After the Fact Wetland Delineation Wetland Restoration Plan (sheet 2 of 4), Plan & Profile & Restoration (sheet 3 of 4), Pit Reclamation Plan (sheet 4 of 4) dated September 01, 2009 and revised through January 30, 2010 and received by the Department on February 11, 2010.
2. This permit is contingent upon the restoration of 17,615 square feet of wetlands, including 650 linear feet of intermittent stream, in accordance with the restoration plan as received by the Department on February 11, 2010 and approved under the Restoration Plan Approval dated March 12, 2010.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.
7. Work shall be done during periods of non-flow.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Culverts shall be laid at original grade.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a major project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate; and Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided plans that meet the requirements of Env-Wt 304.09 (a).
6. The project was reviewed by staff of the NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program and it was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.
7. The agent stated that the location of the cul-de-sac may be revised. No additional wetland impacts will result from moving the cul-de-sac.
8. No comments were submitted from the Conservation Commission.
9. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2009-03022 JENSENS INCORPORATED
NASHUA Prime Wetlands

Requested Action:

Permanently impact 574 sq. ft. in previously developed uplands within the 100 foot prime wetlands buffer to the Nashua River to install a driveway to access a sewer pump station and temporarily impact 26,301 sq. ft. being in existing paved roadways for the installation of municipal sewer and water lines. This project will eliminate 480 individual septic systems currently in use at this location.

Conservation Commission/Staff Comments:

No report or comments were received from the Nashua Conservation Commission on this application.

APPROVE PERMIT:

Permanently impact 574 sq. ft. in previously developed uplands within the 100 foot prime wetlands buffer to the Nashua River to install a driveway to access a sewer pump station and temporarily impact 26,301 sq. ft. being in existing paved roadways for the installation of municipal sewer and water lines. This project will eliminate 480 individual septic systems currently in use at this location.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 2 November 2009, as received by DES on December 23, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to prime wetlands designated under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2009-03074 JANECKO, STANLEY & CHRISTINE
TUFTONBORO Lower Beech Pond

Requested Action:

Rip-rap 124 linear feet of shoreline on Lower Beech Pond, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating bank appears to be natural condition, not eroding

Inspection Date: 03/05/2010 by Dale R Keirstead

DENY PERMIT:

Rip-rap 124 linear feet of shoreline on Lower Beech Pond, in Tuftonboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(h), projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
3. In accordance with RSA 482-A:11, V, "Notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole."
4. In accordance with RSA 482-A:3, XIV, (4), "Where no request for additional information is made pursuant to subparagraph (b), within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact: (A) Approve or deny the application, in whole or in part."
5. In accordance with Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example.
6. In accordance with Env-Wt 302.04, (a), (2), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example that alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.
7. In accordance with Env-Wt 302.04, (d),(1), Requirements for Application Evaluation, the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
8. In accordance with RSA 482-A:3(b) The permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both.

Findings of Fact

1. On December 31, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Tuftonboro tax map 69, lot 10, to rip-rap 124 linear feet of shoreline on Lower Beech Pond, in Tuftonboro.

2. NH DES Wetlands File 2009-3075 is for an additional 125 linear ft of riprap on the adjacent lot. Pursuant to RSA 482-A:11, V, these two project shall be considered in the aggregate and shall constitute a major project.
3. The Wetlands Bureau received comments on January 4, 2010, from the Tuftonboro Conservation Commission. The Conservation Commission stated shoreline appeared to be a natural shoreline and remedial actions should be kept to a minimum.
4. The application was submitted with a \$200 application fee. An additional \$25 dollars in fees is due to cover the sq ft of dredge or fill necessary to install the requested rip-rap.
5. The Applicant did not submit evidence of the need for the rip-rap with the application materials.
6. The Department conducted a field inspection on March 5, 2010 of the site. Field inspection found a natural vegetated shoreline with no visible erosion.

Rulings in Support of Denial

1. The Applicant did not submit the required information supporting the need for the proposed impacts, therefore pursuant to Env-Wt 302.04, the application is denied.
2. The Applicant did not submit evidence that that installing rip-rap would be the least impacting alternative, therefore the application is denied.
3. The application did not include the required fee pursuant to RSA 482-A. Therefore the application is denied.

2009-03075 ANTELL, RACHEL TUFTONBORO Lower Beech Pond

Requested Action:

Rip rap 170 linear feet of shoreline on Lower Beech Pond, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments stating bank appears to be natural condition, not eroding

Inspection Date: 03/05/2010 by Dale R Keirstead

DENY PERMIT:

Rip rap 170 linear feet of shoreline on Lower Beech Pond, Tuftonboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(h), projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
3. In accordance with RSA 482-A:11, V, "Notwithstanding any rules adopted by the commissioner defining minor projects, a series of minor projects undertaken by a single developer or several developers over a period of 5 years or less may, when considered in the aggregate, amount to a major project in the opinion of the department; all such related projects shall be subject to a public hearing as provided in RSA 482-A:8. A series of minor projects shall be considered in the aggregate if they abut or if they are a part of an overall scheme of development or are otherwise consistent parts of an eventual whole."
4. In accordance with RSA 482-A:3, XIV, (4), "Where no request for additional information is made pursuant to subparagraph (b), within 75 days from the issuance of the notice of administrative completeness, or 105 days if the application proposes more than one acre of jurisdictional impact: (A) Approve or deny the application, in whole or in part."
5. In accordance with Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate the need for the proposed impact by plan and example.
6. In accordance with Env-Wt 302.04, (a), (2), Requirements for Application Evaluation, for any major or minor project, the applicant shall demonstrate by plan and example that alternative proposed by the applicant is the one with the least impact to

wetlands or surface waters on site.

7. In accordance with Env-Wt 302.04, (d),(1), Requirements for Application Evaluation, the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.

8. In accordance with RSA 482-A:3(b) The permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both.

Findings of Fact

1. On December 31, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Tuftonboro tax map 69, lot 18, to rip rap 125 linear feet of shoreline on Lower Beech Pond, in Tuftonboro.
2. NH DES Wetlands File 2009-3074 is for an additional 125 linear ft of riprap on the adjacent lot. Pursuant to RSA 482-A:11, V, these two project shall be considered in the aggregate and shall constitute a major project.
3. The Wetlands Bureau received comments on January 4, 2010, from the Tuftonboro Conservation Commission. The Conservation Commission stated shoreline appeared to be a natural shoreline and remedial actions should be kept to a minimum.
4. The application was submitted with a \$200 application fee. An additional \$50 dollars in fees is due to cover the sq ft of dredge or fill necessary to install the requested rip-rap.
5. The Applicant did not submit evidence of the need for the rip-rap with the application materials.
6. The Department conducted a field inspection on March 5, 2010 of the site. Field inspection found a natural vegetated shoreline with no visible erosion.

Rulings in Support of Denial

1. The Applicant did not submit the required information supporting the need for the proposed impacts, therefore pursuant to Env-Wt 302.04, the application is denied.
2. The Applicant did not submit evidence that that installing rip-rap would be the least impacting alternative, therefore the application is denied.
3. The application did not include the required fee pursuant to RSA 482-A. Therefore the application is denied.

MINOR IMPACT PROJECT

**2009-00699 NH DEPT OF TRANSPORTATION
LACONIA Tributary To Lake Winnepesaukee**

Requested Action:

Permanently impact a total of 4800 square feet along 610 linear feet of intermittent previously dredged stream for drainage improvements.

Inspection Date: 10/28/2008 by Jocelyn S Degler

APPROVE PERMIT:

Permanently impact a total of 4800 square feet along 610 linear feet of intermittent previously dredged stream for drainage improvements.

With Conditions:

1. All work shall be in accordance with plans titled Ditchline Culvert and Catch Basins along Railroad Tracks, Sheets 3 and 4 by Brian Lombard PE dated March 18, 2009, and revised and received January 4, 2010, and plan sheet 2 titled Akwa Marina by Atom

Contracting dated December 9, 2009 and revised and received January 4, 2010.

2. All Ditchline treatment swales shall have loam and seed and the culvert cross sections for areas 1 and 3 shall also be grass lined swales. No bare rip-rap swales shall be used.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be done during periods of non-flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 3 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 3 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. Silt fencing must be removed once the area is stabilized.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02, (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 28, 2008. Field inspection determined that there is a drainage issue in this area and upgrading the existing system is needed to improve the water quality in the area.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.
7. The project is approved as it provides for an overall improvement of water quality within Lake Winnepesaukee.

Requested Action:

Remove existing bridge and concrete slab stream bed and replace with a precast concrete rigid frame on footings in the bank impacting 582 sq. ft. of wetlands, and restore 693 sq. ft. (67 linear ft.) of stream channel.

APPROVE PERMIT:

Remove existing bridge and concrete slab stream bed and replace with a precast concrete rigid frame on footings in the bank impacting 582 sq. ft. of wetlands, and restore 693 sq. ft. (67 linear ft.) of stream channel.

With Conditions:

1. All work shall be in accordance with plans by Jacobs Engineering Group Inc., dated October 2009, as received by DES on 1/27/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
and/or
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands.
18. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), projects that alter less than 200 linear feet of perennial stream banks and channel that exceed the criteria for minimum impact projects.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing bridge was built in the 1930's and damaged in the 2007 flooding events, and needs to be replaced.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The new structure will provide a larger hydraulic opening, and will restore the stream channel bottom to a natural state.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. NH Fish & Game Department stated in email dated 9/24/2009 that no impact to the state threatened bridled shiner was expected as a result of the project.
5. The Farmington Conservation Commission did not report.

2009-02604 EVANS, LOIS
HAMPSTEAD Island Pond

Requested Action:

Repair 58 linear feet of concrete retaining wall "in kind" on Island Pond, in Hampstead.

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 21, 2010

APPROVE PERMIT:

Repair 58 linear feet of concrete retaining wall "in kind" on Island Pond, in Hampstead.

With Conditions:

1. All work shall be in accordance with plans by James Lavelle revision dated January 25, 2010, as received by DES on February 03, 2010.
2. Area shall be regraded to original contours following completion of work.
3. Work shall be done during drawdown.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
7. This permit does not allow the removal of any trees from the frontage.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair or replacement of existing retaining walls that requires work in the water.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2009-02785 MIDDLEBROOK, ROBERT & BONNIE
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 4 ft x 40 ft seasonal dock and install a 4 ft x 30 ft seasonal dock connected to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway in an "h" shaped configuration, and install a 12 ft x 24 ft seasonal canopy over the center

slip, on an average of 203 ft of frontage on Lake Winnepesaukee, in Meredith.

Conservation Commission/Staff Comments:

Con Com recommends approval

APPROVE PERMIT:

Permanently remove an existing 4 ft x 40 ft seasonal dock and install a 4 ft x 30 ft seasonal dock connected to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway in an "h" shaped configuration, and install a 12 ft x 24 ft seasonal canopy over the center slip, on an average of 203 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revision dated February 01, 2010, as received by DES on February 18, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The existing seasonal dock shall be completely removed from the frontage prior to the installation of the new docking structure.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 203 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-03067 BOYLE, CORNELIA & GARY ANDERSON
NEW LONDON Lake Sunapee

Requested Action:

Repair a 6 ft 10 in x 46 ft concrete pier and a 9 ft x 46 ft concrete pier connected by a 10 ft 4 in x 13 ft concrete walkway in kind. Renovate an existing two-story boathouse located over the concrete piers reducing its footprint to 21 ft x 34 ft and reducing the second story dimensions from 22 ft x 34 ft 4 in to 21 ft x 23 ft. Install a 6 ft x 30 ft seasonal pier adjacent to the south property line.

APPROVE PERMIT:

Repair a 6 ft 10 in x 46 ft concrete pier and a 9 ft x 46 ft concrete pier connected by a 10 ft 4 in x 13 ft concrete walkway in kind. Renovate an existing two-story boathouse located over the concrete piers reducing its footprint to 21 ft x 34 ft and reducing the

second story dimensions from 22 ft x 34 ft 4 in to 21 ft x 23 ft. Install a 6 ft x 30 ft seasonal pier adjacent to the south property line.

With Conditions:

1. All work shall be in accordance with overview plans by Diversified Marine Construction revised February 10, 2010, and elevation plans dated October 82009, as received by DES on February 23, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. The boathouse shall remain a two-story structure; ridgeline height not to exceed 20 ft above exterior deck surfaces.
5. All construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. The repairs of the concrete piers and walkway shall maintain the size, location and configuration of the pre-existing structures.
9. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of docking facilities providing 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 266 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. There is no slip provided on the north side of the boathouse.
8. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
9. The proposed modifications to the boathouse will reduce the sq ft area of enclosed space on the second floor and therefore the modifications are consistent with the intent of RSA 482-A:26.
10. The Applicant has submitted evidence showing a finished second floor of the boathouse which had been previously heated, insulated, and wired for electricity.

**2010-00413 NH VETERANS HOME
TILTON Leduc Pond**

Requested Action:

Proposal to dredge and fill 480 sq. ft. (includes 400 sq. ft. of temporary impacts) of bed and bank of a Leduc Pond (a small reflecting/farm Pond) for installation of vertical plate heat exchanger associated with a new geo-thermal heating and cooling system at the Tilton Veterans Home.

APPROVE PERMIT:

Dredge and fill 480 sq. ft. (includes 400 sq. ft. of temporary impacts) of bed and bank of a Leduc Pond (a small reflecting/farm Pond) for installation of vertical plate heat exchanger associated with a new geo-thermal heating and cooling system at the Tilton Veterans Home.

With Conditions:

1. All work shall be in accordance with all plans and narratives submitted by Stantec Consulting Services Inc., plans dated January 15, 2010 and narratives dated January 21, 2010, as received by DES on March 1, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be done during drawdown.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposal is needed to address heating and cooling requirements for a public facility ("Tilton Veterans Home").
6. The Conservation Commission comment's regarding the original application (PBN File #2009-1893) would be required through the Town.
7. The approved system includes sensors that will monitor temperature and dissolved oxygen levels that will regulate operation of the system to support suitable fish habitat.

MINIMUM IMPACT PROJECT

2008-02626 THE PIER PEOPLE, DBA WENTWORTH MARINA
NEW CASTLE Little Harbor

Requested Action:

Maintenance dredge 2,833 sq. ft., having a volume of 184 cubic yards, of clean sand material which was carried into this intertidal area during significant rain events of 2008 to restore depth to the launch service area to provide continued safe navigation from the launch dock to and from the mooring field in Little Harbor.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission intervened on this application, however, no follow-up report or comments were received.

Inspection Date: 02/06/2009 by Frank D Richardson

APPROVE AMENDMENT:

Maintenance dredge 2,833 sq. ft., having a volume of 184 cubic yards, of clean sand material which was carried into this intertidal area during significant rain events of 2008 to restore depth to the launch service area to provide continued safe navigation from the launch dock to and from the mooring field in Little Harbor.

With Conditions:

1. All work shall be in accordance with plans by Watermark Planning & Permits dated 10/27/08, as received by DES on December 01, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the New Castle Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. This one-time maintenance dredge permit to restore depths to the launch dock area in tidal waters per Env-Wt 304.11(b) shall be done between November 15, 2010 and March 15, 2011, and shall not be permitted during a fish migration or larval setting stage of shellfish.
5. Dredged material shall be placed back into the eroded channel from which the material came and be properly stabilized.
6. The clogged drain in the upland tidal buffer zone which contributed to the erosion and subsequent sedimentation in tidal waters shall be properly maintained to avoid future impacts.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Work shall be done during periods of low tide.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the Department based on the degree of environmental impact.
2. This one-time maintenance dredge permit to restore depths to the launch dock area in tidal waters per Env-Wt 304.11(b) shall be done between November 15, 2010 and March 15, 2011, and shall not be permitted during a fish migration or larval setting stage of shellfish.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has provided evidence corroborating that this project constitutes maintenance dredging to establish pre-storm event bottom contours.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) and (c), Requirements for Application Evaluation, has been considered in the design of the project.

2009-01991 GOLDMAN, JAMES & ALYCE ZELLERS
ALBANY Unnamed Wetland

Requested Action:

Dredge and fill 2,962 square feet of wetlands for the construction of an access road to a 5 lot subdivision; 254 square feet of these impacts are temporary and will be restored.

APPROVE PERMIT:

Dredge and fill 2,962 square feet of wetlands for the construction of an access road to a 5 lot subdivision; 254 square feet of these impacts are temporary and will be restored.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co. Inc. dated December 19, 2008 and revised through February 10, 2010, as received by the Department on February 12, 2010.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. This permit is contingent on approval by the DES Alteration of Terrain Program.
7. Areas of temporary impacts shall be regraded to original contours following completion of work.
8. Mulch within the restoration area shall be straw.
9. All material removed during work activities shall be placed out of DES's jurisdiction.
10. Culverts shall be laid at original grade.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per 303.04(f) projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. Project revisions reduced the area of wetland impacts from 3,611 square feet to 2,962 square feet.

5. Project revisions removed the proposal to install a restrictor plate and a culvert end riser.
6. The NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program and reviewed the project and determined that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.
7. No comments were submitted by the Conservation Commission.

2009-01992 FOSS FAMILY TRUST 2008, LENNIE FOSS
ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,750 sq. ft. of wetlands for upgrade of woods road to serve as a driveway to a single family house lot, including 200 sq. ft. of impact and installation of a 16" x 20' culvert; 75 sq. ft. of impact and installation of a 16" x 20' culvert; and 1,475 sq. ft. of impact and installation of a 30" x 20' pipe arch culvert.

APPROVE PERMIT:

Dredge and fill a total of 1,750 sq. ft. of wetlands for upgrade of woods road to serve as a driveway to a single family house lot, including 200 sq. ft. of impact and installation of a 16" x 20' culvert; 75 sq. ft. of impact and installation of a 16" x 20' culvert; and 1,475 sq. ft. of impact and installation of a 30" x 20' pipe arch culvert.

With Conditions:

1. All work shall be in accordance with plans by Fraggie Rock Environmental Services dated 1/20/2010, as received by DES on 1/29/2010.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The wetlands must be crossed at some location on the property to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. NH Fish and Game Department ("NHFG") reviewed the project relative to the protected Blanding's and spotted turtle reported in the project vicinity, and stated per email dated 1/11/2010, that as long as no pond was constructed, NHFG did not expect impacts to these species. The applicant has since withdrawn the pond component from the project.
5. The Rochester Conservation Commission did not report.

2009-02624 MORAN & BARKER
NORTH HAMPTON Atlantic Ocean

Requested Action:

Perform maintenance work totaling 3,000 sq. ft. in the tidal buffer zone for the in-kind repair and reconstruction of 675 linear feet of existing stone rip-rap revetment / sea wall.

Conservation Commission/Staff Comments:

No report or comments were received from the North Hampton Conservation Commission on this application.

APPROVE PERMIT:

Perform maintenance work totaling 3,000 sq. ft. in the tidal buffer zone for the in-kind repair and reconstruction of 675 linear feet of existing stone rip-rap revetment / sea wall.

With Conditions:

1. All work shall be in accordance with plans by Applicant dated October 20, 2009, as received by DES on October 29, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Existing rocks which have fallen shall be used for repair/reconstruction. No Additional Rocks.
5. Repairs and/or reconstruction shall maintain existing size, location and configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b)&(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00223 LITCHFIELD, TOWN OF
LITCHFIELD Chase Brook

Requested Action:

Dredge and fill a total of 1,948 sq. ft. within the embankments and flow channels of perennial tributary streams at three (3) locations for work associated with the replacement of deteriorated roadway culverts with pre-cast concrete box culverts having wingwalls and/or rip-rap scour protection as required.

Conservation Commission/Staff Comments:

No report or comments were received regarding this application from the Litchfield Conservation Commission.
This application was determined to meet the criteria for SOP 201 to expedite on 02/19/10.

APPROVE PERMIT:

Dredge and fill a total of 1,948 sq. ft. within the embankments and flow channels of perennial tributary streams at three (3) locations for work associated with the replacement of deteriorated roadway culverts with pre-cast concrete box culverts having wingwalls and/or rip-rap scour protection as required.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC dated Jan. 2010, as received by DES on February 01, 2010.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
5. Unconfined work within the river, stream or brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the Department based on the degree of environmental impact.
2. This application was determined to meet the criteria for SOP 201 to expedite on 02/19/10.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2010-00394 DILLON, THOMAS & SCOTT
SUCCESS Unnamed Stream

COMPLETE NOTIFICATION:
Success Tax Map 1612, Lot# 7

2010-00395 POSKUS, JOSEPH & CHRISTINE
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:
Grafton Tax Map 19, Lot# 868

2010-00398 KUCK, THOMAS
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 328-C

2010-00435 BINGHAM, DAVID & VIRGINIA
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map V4, Lot# 8

2010-00444 MANCHESTER WATER WORKS
AUBURN

COMPLETE NOTIFICATION:
Auburn Tax Map6, Lot# 1

2010-00446 MANCHESTER WATER WORKS
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax Map 6, Lot# 17

EXPEDITED MINIMUM

2009-02609 MARRINAN JR, WILLIAM
NEW BOSTON Unnamed Wetland Piscataquog River

Requested Action:

Dredge and fill ± 950 sq. ft. of perennial stream to install a 12-foot x 5-foot x 20-foot open-bottomed aluminum multi-plate arch culvert for driveway access to an existing single family residence lot of record.

APPROVE PERMIT:

Dredge and fill ± 950 sq. ft. of perennial stream to install a 12-foot x 5-foot x 20-foot open-bottomed aluminum multi-plate arch culvert for driveway access to an existing single family residence lot of record.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants, LLC, dated October 20, 2009, and revised through February 03, 2010, as received by the Department on February 18, 2010.
2. Work shall be done during annual low flow conditions.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented to allow work to be completed in the dry.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The stream channel within the culvert and beyond must maintain the natural and a consistent streambed elevation and not impede stream flow.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses, provided.
2. The Piscataquog River Local Advisory Committee (PRLAC) recommended a wider bridge more appropriate for the stream width, suggested drainage calculations be provided that demonstrate the structure can accommodate at least a 25 year event, and preferably a 50 year, and clarification how the natural substrate will be retained within the culvert.
3. The NHFG Fisheries Division requested the stream's bankfull width and slope information is clarified and incorporated into the design.
4. The originally proposed 4-foot closed bottom box culvert was revised to a 12-foot open-bottomed arch culvert.
5. The average bankfull width provided was 5 feet.
6. The subject parcel was subdivided in 1984.
7. The applicant has received written consent from the owners of lot 39 (tax map 6), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
8. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02850 HASKELL, RICHARD & JENNIFER
MELVIN VILLAGE Lake Winnepesaukee

Requested Action:

Repair an existing 4 ft x 55 ft seasonal dock with a 4 ft x 12 ft seasonal dock in a "L" shaped configuration, construct a 6 ft x 3 ft concrete pad on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Repair an existing 4 ft x 55 ft seasonal dock with a 4 ft x 12 ft seasonal dock in a "L" shaped configuration, construct a 6 ft x 3 ft concrete pad on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group and Construction Management dated October 30, 2009, as received by DES on December 03, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-02959 JOHNSON, ESTHER
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair 58 linear feet of retaining wall "in kind" on Merrymeeting Lake, in New Durham.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 58 linear feet of retaining wall "in kind" on Merrymeeting Lake, in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Rossignol dated January 30, 2010, as received by DES on February 16, 2010.
2. Work shall be done during drawdown.
3. Repair shall be done in the dry during drawdown.
4. Repair shall maintain existing size, location and configuration.
5. Construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for any work on property of others.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown.

2010-00002 ALLEN, BRIAN
CENTER HARBOR Unnamed Wetland

Requested Action:

Proposal to impact 5,371 sq. ft. of wetlands for construction of a farm and wildlife pond with a total pond area of 10,360 sq. ft. on a 10 acre parcel.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill 1,387 sq. ft. of wetlands for construction of a farm and wildlife pond with a total pond area of approximately 10,360 sq. ft. on a 10 acre parcel.

With Conditions:

1. All work shall be in accordance with plans and narratives by New Hampshire Environmental Consultants LLC, plans dated February 10, 2010 and narratives dated February 11, 2010, as received by DES on February 19, 2010.
2. A New Hampshire Certified Wetland Scientist ("CWS") shall review the site after snow melt to determine if there are any other jurisdictional impacts associated with the recent clearing. If additional wetlands, surface water or bank impacts are found a restoration plan and narrative shall be submitted to DES for review and approval.
3. The proposed wildlife habitat (trees and shrubs) shall be native species and appropriate for the hydrological conditions of the site.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. A post-construction report documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. This approval shall not preclude further enforcement by DES. Failure to comply with RSA 482-A may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00217 THE NATURE CONSERVANCY, RAY KONISKY
DURHAM Oyster River

Requested Action:

Place oyster and surf clam shells on the bottom of the Oyster River to restore a historic oyster reef area measuring 200' x 200' (40,000 sq. ft.).

APPROVE PERMIT:

Place oyster and surf clam shells on the bottom of the Oyster River to restore a historic oyster reef area measuring 200' x 200' (40,000 sq. ft.).

With Conditions:

1. All work shall be in accordance with plans by The Nature Conservancy dated 2/3/2010, as received by DES on 2/9/2010.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands that meet the criteria of Env-Wt 303.04(t)(1)-(4).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The restoration area was the historical location of an oyster resource and will be adjacent to an existing natural oyster area.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The material placed will be only 1"-2" deep. The project will be a joint effort of The Nature Conservancy and the UNH Jackson Laboratory.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau.
5. The Durham Conservation Commission signed the expedited application.

2010-00253 CLEMENT II REVOC TRUST, CHARLES
ROCHESTER Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,805 sq. ft. for construction of a driveway crossing for a single family lot, including 75 sq. ft. of impact and installation of a 18" x 20' culvert, and 1,730 sq. ft. of impact and installation of twin 24" x 20' culverts.

APPROVE PERMIT:

Dredge and fill a total of 1,805 sq. ft. for construction of a driveway crossing for a single family lot, including 75 sq. ft. of impact and installation of a 18" x 20' culvert, and 1,730 sq. ft. of impact and installation of twin 24" x 20' culverts.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc. dated January 2010, as received by DES on 2/12/2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill to permit access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Wetlands must be crossed at some location on the property to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The crossings are located in the most narrow locations.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Rochester Conservation Commission signed the expedited application.

2010-00254 28 PROCTOR HILL ROAD LLC
BROOKLINE Unnamed Wetland

Requested Action:

Impact 830 square feet of palustrine forested wetland for the construction of a driveway and installation of a 18-inch by 20-foot culvert for access to an upland building lot.

Conservation Commission/Staff Comments:

The Brookline Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 830 square feet of palustrine forested wetland for the construction of a driveway and installation of a 18-inch by 20-foot culvert for access to an upland building lot.

With Conditions:

1. All work shall be in accordance with the 'Dredge and Fill Plan' by Meridian Land Services, Inc. dated October 13, 2009 , as received by DES on February 12, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES Wetlands Bureau southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, septic setback, or any other construction related activities.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The applicant requests to gain access to an upland building lot; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The driveway crossing will utilize an existing woods road; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00266 PORTSMOUTH, CITY OF
PORTSMOUTH Piscataqua River

Requested Action:

Replace existing wooden pilings with steel H pilings and install buried concrete anchor beam and tiebacks in the developed upland tidal buffer zone to repair 37 linear ft. of deteriorated timber seawall within the same footprint in a commercial waterfront area of the Piscataqua River. Total piling replacement impact 4 sq. ft.; total temporary tidal buffer zone impact 300 sq. ft.

APPROVE PERMIT:

Replace existing wooden pilings with steel H pilings and install buried concrete anchor beam and tiebacks in the developed upland tidal buffer zone to repair 37 linear ft. of deteriorated timber seawall within the same footprint in a commercial waterfront area of the Piscataqua River. Total piling replacement impact 4 sq. ft.; total temporary tidal buffer zone impact 300 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Waterfront Engineers dated 2/8/2010, as received by DES on 2/16/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
5. Faulty equipment shall be repaired prior to entering jurisdictional areas.
6. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
7. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing docking structures such as pilings, and per Env-Wt 303.04(b), projects within the previously developed upland areas within 100 feet of the highest observable tide line that are not minor or major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project location.
5. The Portsmouth Conservation Commission signed the expedited application.

2010-00304 COOPERMAN, JONATHAN & MARY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Replace a 5 ft 2 inch x 4 ft 1 inch concrete pad in the same location to access a 4 ft x 30 ft seasonal dock on Lake Winnepesaukee, Wolfboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace a 5 ft 2 inch x 4 ft 1 inch concrete pad in the same location to access a 4 ft x 30 ft seasonal dock on Lake Winnepesaukee, Wolfboro.

With Conditions:

1. All work shall be in accordance with plans by Shane Folsom dated January 25, 2010, as received by DES on February 19, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of docking structures.

GOLD DREDGE

2010-00391 LOCKLEY, GLENN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00392 LOCKLEY, STARR
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00393 FRALICK, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00396 FILA, TAMBREY
(ALL TOWNS) Unnamed Stream

2010-00397 GIOVANI, JEFFREY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00438 HOOVER, WILLIAM
(ALL TOWNS) Unnamed Stream

2010-00439 LUND, GARY
(ALL TOWNS) Unnamed Stream

2010-00447 ATOMANUK, JAMES
(ALL TOWNS) Unnamed Stream

2010-00468 LUCIA, KENNETH
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00470 BOURN, ANDREW
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00471 BOURN, ALEX
(ALL TOWNS) Unnamed Stream

LAKES-SEASONAL DOCK NOTIF

2010-00436 FLORIO, BREBDAN & CAROLYN
LACONIA Lake Opeeche

COMPLETE NOTIFICATION:
Laconia Tax Map 374, Lot# 16

2010-00437 DUNN FAMILY REALTY TRUST, GEORGE CARPENTER
LACONIA Lake Winnsquam

COMPLETE NOTIFICATION:
Laconia Tax Map 37, Lot# 260

PERMIT BY NOTIFICATION

2010-00323 NH DES DAM BUREAU, JIM GALLAGHER
RINDGE Hubbard Brook / Hubbard Pond

Requested Action:

Dredge and fill \pm 471 sq. ft. of Black Stream to remove debris in stream and repair boulder retaining wall at Hubbard Pond Dam.

PBN IS COMPLETE:

Dredge and fill \pm 471 sq. ft. of Black Stream to remove debris in stream and repair boulder retaining wall at Hubbard Pond Dam.

With Findings:

1. The Conservation Commission did not sign the PBN, and therefore did not waive their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
3. The Natural Heritage Bureau (NHB) confirmed the presence of the rare species, slimy salamander and exemplary natural community, medium level fen system in the vicinity of the project.
4. In correspondence dated January 21, 2010, the NH Fish and Game Department indicated they do not expect impacts to the slimy salamander and recommend that no riprap be placed in the stream bed.
5. In correspondence dated January 25, 2010, the NHB stated they do not expect the project to impact the nearby exemplary community, the medium level fen system.

CSPA PERMIT

2010-00293 OAK LANDING WEST ASSOCIATION
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 765 sq ft to construct a wood framed garage supported on frost protected piers.

APPROVE PERMIT:

Impact 765 sq ft to construct a wood framed garage supported on frost protected piers.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated January 18, 2010 and received by the Department of Environmental Services ("DES") on February 18, 2010.
2. No more than 8.72% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 68,684 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 68,525 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00297 TAMPOSI, NICHOLAS
LACONIA Lake Winnepesaukee

Requested Action:

Impact 900 sq.ft. Replace existing shed on concrete frost wall foundation and 8ft wide access constructed on pavers.

APPROVE PERMIT:

Impact 900 sq.ft. Replace existing shed on concrete frost wall foundation and 8ft wide access constructed on pavers.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C. dated February 9, 2010 and received by the Department of Environmental Services ("DES") on February 18, 2010.
2. No more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,236 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00303 BERLIN, CITY OF
BERLIN Androscoggin River

Requested Action:

Impact 20,984 sq ft for the construction of a 12in ductile iron sewer force main and the installation of one force main drain manhole and an air release valve.

APPROVE PERMIT:

Impact 20,984 sq ft for the construction of a 12in ductile iron sewer force main and the installation of one force main drain manhole and an air release valve.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce dated February 9, 2010 and received by the Department of Environmental Services ("DES") on February 19, 2010.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00307 SANFORD, PHILIP/ROSEMARIE
ALSTEAD Lake Warren

Requested Action:

Impact 3,200 sq ft for the purpose of replacing septic system with a 2,000 gal.

APPROVE PERMIT:

Impact 3,200 sq ft for the purpose of replacing septic system with a 2,000 gal.

With Conditions:

1. All work shall be in accordance with plans by Philip Sanford dated February 8, 2010 and received by the Department of Environmental Services ("DES") on February 19, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 13,138 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,169 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00314 CLEMENT, CHARLES
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 16,860 sq ft to replace existing structure with new home.

APPROVE PERMIT:

Impact 16,860 sq ft to replace existing structure with new home.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated February 1, 2010 and received by the Department of Environmental Services ("DES") on February 3, 2010.
2. No more than 16.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 9,463 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2). If a lot was developed prior to July 1, 2008, and does not meet the current unaltered state requirement, you are not required to re-plant, but you are not permitted to decrease the area currently in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00371 BACON FELT COMPANY INC, HOWARD GREENLAW
ROCHESTER Salmon Falls River

Requested Action:

Impact 4,230 sq ft for the purpose of upgrading the existing stormwater drain outlet.

APPROVE PERMIT:

Impact 4,230 sq ft for the purpose of upgrading the existing stormwater drain outlet.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental LLC dated February 19, 2010 and received by the Department of Environmental Services ("DES") on February 24, 2010.
2. No more than 52% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00372 MERWIN, LINDA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 9,281 sq ft for the purpose of removing existing structure and replacing with new residence, well and septic tank.

APPROVE PERMIT:

Impact 9,281 sq ft for the purpose of removing existing structure and replacing with new residence, well and septic tank.

With Conditions:

1. All work shall be in accordance with plans by Christopher P. Williams Architects, PLLC dated March 11, 2010 and received by the Department of Environmental Services ("DES") on March 11, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 26,847 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 17,895 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00373 BEALS, JOSEPH
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 1,939 sq ft for the purpose of adding a garage to existing home.

APPROVE PERMIT:

Impact 1,939 sq ft for the purpose of adding a garage to existing home.

With Conditions:

1. All work shall be in accordance with plans by Thomas W. Varney, PE dated February 18, 2010 and received by the Department of Environmental Services ("DES") on February 25, 2010.
2. No more than 22.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,364 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2008-02019 LEFRANCOIS/PULEO, KENNETH/SUSAN
EAST WAKEFIELD Belleau Lake/door Pond

Requested Action:

Replace porch with a 3 ft extension.

Conservation Commission/Staff Comments:

1/27/09

120 day extension granted.

APPROVE PERMIT:

Replace porch with a 3 ft extension.

With Conditions:

1. All work shall be in accordance with plans by Kenneth Lefrancois dated September 1, 2008 and received by the Department of Environmental Services ("DES") on September 23, 2008.
2. No more than 8.00% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

Requested Action:

Replace porch with 3 foot extension.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace porch with 3 foot extension.

With Findings:

1. On January 27, 2009, the Department of Environmental Services (DES) Wetlands Bureau received your request for an extension of your statutory time frame of 60 days to respond to a Request for More Information sent by DES on December 3, 2008. At that time, DES agreed to extend the required timeframe established in a Request for More information by 120 days. You were given a new deadline for a response to the Request for More Information sent by DES on December 3, 2008 for a response deadline of June 2, 2009.
2. To date, DES has not received the requested information. Pursuant to RSA 483-B:5V(a), when additional information is requested by DES and the requested information is not received within 120 days of the request, DES shall deny the project.
3. Accordingly, because DES has not received the requested additional information within the extended statutory timeframe, the application has been denied.
4. You are hereby informed that further appeal of this decision is to the New Hampshire Wetlands Council. Appeal must be made within 30 days of the date of this letter, in accordance with RSA 483-B:14. Filing of the appeal shall be made by certified mail to the chairperson of the council, with a copy to DES, and shall set forth fully every ground upon which it is claimed that DES's decision is unlawful or unreasonable.
5. If you wish to proceed with any work within jurisdiction at a later date, you will need to submit a new application with the appropriate filing fee to DES for review. Please refer to the letter dated January 6, 2009, and ensure that all items contained in that letter are adequately addressed in the new application.

UTILITY NOTIFICATION

2010-00455 PSNH
HAMPTON FALLS Unnamed Stream Unnamed Wetland

2010-00456 PSNH
HILLSBOROUGH Unnamed Stream Unnamed Wetlands

2010-00457 PSNH
HINSDALE Unnamed Stream Unnamed Wetland

2010-00458 **PSNH**
HOLLIS **Unnamed Stream Unnamed Wetland**

2010-00460 **PSNH**
HUDSON **Unnamed Stream Unnamed Wetlands**

2010-00461 **PSNH**
KEENE **Unnamed Stream Unnamed Wetland**

2010-00462 **PSNH**
LACONIA **Unnamed Stream Unnamed Wetland**

2010-00463 **PSNH**
LANCASTER **Unnamed Stream Unnamed Wetland**

2010-00474 **PSNH**
LEE **Unnamed Stream Unnamed Wetland**

2010-00475 **PSNH**
LINCOLN **Unnamed Stream Unnamed Wetland**

2010-00476 **PSNH**
LITTLETON **Unnamed Stream Unnamed Wetland**

2010-00477 **PSNH**
LONDONDERRY **Unnamed Stream Unnamed Wetland**

2010-00478 PSNH
LOUDON Unnamed Stream Unnamed Wetland

2010-00479 PSNH
MADBURY Unnamed Stream Unnamed Wetlands

2010-00480 PSNH
PORTSMOUTH Unnamed Stream Unnamed Wetland

2010-00481 PSNH
RAYMOND Unnamed Stream Unnamed Wetland

2010-00482 PSNH
ROCHESTER Unnamed Stream Unnamed Wetlands

2010-00483 PSNH
ROLLINSFORD Unnamed Stream Unnamed Wetlands

2010-00484 PSNH
RUMNEY Unnamed Stream Unnamed Wetlands

2010-00487 PSNH
SANDWICH Unnamed Stream Unnamed Wetlands

